

WASHINGTON, DC – Today, Representative Robert C. "Bobby" Scott (D-Va.), Ranking Member of the Crime Subcommittee of the House Judiciary Committee, and Representative John Conyers, Jr. (D-Mich.), Ranking Member of the full House Judiciary Committee, led a letter from House members to President Obama requesting that he establish a process for considering appropriate clemency for those in prison who were sentenced prior to enactment of the Fair Sentencing Act of 2010 (FSA). The FSA was signed into law by President Obama on August 3, 2010. It reduced the infamous sentencing ratio between crack cocaine and powder cocaine from 100 to 1 to 18 to 1. Congressmen Scott and Conyers, along with other signatories to the letter, had worked for more than 17 years to eliminate this clearly unwarranted sentencing disparity and were instrumental in the 18 to 1 compromise enacted in the FSA. In forwarding the letter to the President, Congressmen Scott and Conyers stated the following:

"Scientific studies and experiences over time revealed that there are no significant differences between cocaine in the crack form, which is generally smoked, and the powder form, which is generally inhaled. Yet, prior to enactment of the FSA, the mandatory minimum penalty for 5 grams of crack was 5 years whereas 500 grams of powder cocaine were required for a 5 year sentence. While we worked for, and continue to work for, elimination in its entirety of the sentencing disparity between crack and powder, the reduction from 100 to 1 to 18 to 1 is a good step toward that goal. With the strong national consensus, including within the Legislative, Executive and Judiciary branches of the federal government, that the 100 to 1 sentencing ratio is unfair to crack defendants, it is unconscionable that we still have people serving mandatory sentences under the 100 to 1 ratio. Therefore, we are calling upon President Obama to exercise his constitutional clemency authority to right this wrong by setting up a process for according those whose sentence length is based on a mandatory sentence for a crack violation, a reduction equivalent to an application of the FSA 18 to 1 reduction.

"This is the fair action for the President, whose strong support of the FSA greatly assisted its passage in the Congress. In the past, systemic clemency has been used to address injustices for which there was a similarly strong national consensus. For instance, President Gerald Ford established a commission to make recommendations to him on clemency for those imprisoned or subject to imprisonment for draft dodging during the Vietnam War era. Without the President's intervention through his clemency authority, men and women will continue to be held accountable to unfair sentences, some involving life imprisonment for non-violent crimes that resulted from romantic or familial relationships with other offenders, such as the so-called 'girlfriend problem' where the defendant was a bit player in the boyfriend's drug offense. It is appropriate and necessary for the President to close this gap in fairness in the application of our drug laws."

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